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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)	MM Docket No. 93-170
)	
Amendment of Section 73.202(b),)	RM-8250
Table of Allotments,)	
FM Broadcast Stations)	
(Bemidji, Minnesota))	

TO: Michael C. Ruger, Chief, Allocations Branch
Policy and Rules Division, Mass Media Bureau

COMMENTS OF R.P. BROADCASTING, INC.

1. R.P. Broadcasting, Inc. ("R.P."), the licensee of Station WBJI(FM), Bemidji, Minnesota, hereby submits its Comments in response to the Notice of Proposed Rule Making ("NPRM"), DA 93-682, released June 25, 1993, in the above-captioned proceeding. As set forth below, R.P. strongly opposes the proposed allotment of Channel 238C1.

2. As an initial matter, it is clear that the coordinates listed in the NPRM for the proposed allotment are not suitable for use as a transmitter site. R.P.'s review of that site, when plotted on a topographical map, reveals that the site is located within the town limits of Bemidji, in the middle of Greenwood Cemetery, approximately 2.2 miles from, and directly in the path of, an airport runway. Each of these factors independently renders the proposed site unsuitable; taken together, they demonstrate the complete unacceptability of the proposal.

3. Property within the town of Bemidji is subject to

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relatively strict land use limitations. See Attachment A hereto. At present, there is virtually no possibility that those limitations would permit construction of a broadcast tower at the site specified in the NPRM.

4. Additionally, since the proposed site is in a cemetery, it appears to be "unsuitable" within the meaning given that term by the Commission in the context of channel allotments, as evidenced by the note to the Commission's recently revised Section 73.3573. See Amendment of the Commission's Rules to Permit FM Channel and Class Modifications by Application, FCC 93-299, released July 13, 1993 at n.19. While a cemetery may not fit squarely into the category of "a national or state park in which tower construction is prohibited", a cemetery is as close to such a site as can be imagined. It is difficult to conceive of a location more inappropriate for a tower than a cemetery.

5. And, perhaps most importantly, the proposed site is located a mere 2.2 miles from the local airport. See Attachment A hereto. What's worse, it lies almost directly in the center of the instrument landing approach to the runway. Id. As a result, the site appears clearly to be "unsuitable" from the standpoint of aeronautical safety, if for no other reason.

6. In addition, there is another flaw in the proposed channel allotment. According to the NPRM, the proposal would result in "the third FM service" to Bemidji. NPRM at ¶1. While it is technically true that only two commercial FM channels are presently allotted to Bemidji, it is not true that Bemidji

presently enjoys only two FM radio services. To the contrary, a total of four independently-owned FM stations (KBHP(FM); KKBJ-FM; KBSB(FM); and KCRB(FM)) are licensed to Bemidji itself; at least one other FM station (WBJI(FM), Blackduck) puts a city-grade signal into Bemidji; and a sixth FM station (KLLZ(FM), Walker) puts at least a primary, if not a city-grade, signal into Bemidji. ^{1/} While Stations KBSB(FM) and KCRB(FM) are both noncommercial educational stations, they nonetheless compete with the other stations in the market for audience and, to at least some limited extent, revenue.

7. Thus, Bemidji -- with six strong FM signals available to it (along with two local AM stations) -- cannot be said to be lacking for radio service. But Bemidji, which is itself the county seat of Beltrami County and, thus, the primary commercial, population and cultural center of the area, is a small town. The total 1990 population of Bemidji (11,245), Blackduck (718) and Walker (950) -- the communities of license of the six FM stations and two AM stations in the immediate area -- is less than 13,000. In real-life terms, no need exists for another station seeking to serve the same audience and seeking to survive financially on the same limited pool of available advertising revenues.

8. The competitive situation in the Bemidji area is already difficult enough -- the addition of one more commercial

^{1/} Since this listing is limited to FM stations, it does not include Stations KBUN(AM) and KKBJ(AM), both of which are licensed to Bemidji.


station there would almost invariably reduce everyone's share of available revenue and make it even more difficult, if not impossible, for all the competing services to survive. If, in fact, one or more stations proved unable to withstand the increased competition, the Commission would have added the proposed channel for naught: when the dust settled, the public would still be receiving the same number (and possibly fewer) stations than are now available, at least one broadcaster would have been forced out of business, and the survivors would have been subjected to dire increased competition for no apparent purpose.

9. The public interest is not served by allotment of channels without regard to the practical effects likely to arise therefrom. The current state of the broadcast industry (and, to a significant degree, the current state of the national economy) demonstrates that the aggressive reliance on "marketplace competition" as a foundation for substantial deregulatory activity (including, for example, MM Docket No. 80-90, which created hundreds of new FM allotments) was not well-placed and may, in fact, have been inimical to the public interest in many instances. The Commission would do well to recognize the serious detrimental effect of excessive competition, and it should take care not to avoid such effects where possible. This is one such situation. A market with a population of only 13,000 and eight local radio stations already cannot afford the addition of one more competitor for the market's radio listeners and radio

advertisers.

WHEREFORE, for the reasons stated, R.P. Broadcasting, Inc. submits that the proposed allotment of Channel 238 to Bemidji should be rejected.

Respectfully submitted,


/s/ ~~Harry F. Cole~~
Harry F. Cole

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Counsel for R.P. Broadcasting, Inc.

August 16, 1993

ATTACHMENT A

DECLARATION

Roger Paskvan, under penalty of perjury, hereby declares the following to be true and correct of his personal knowledge:

1. I am the President and sole stockholder of R.P. Broadcasting, Inc. ("R.P."). I am preparing this Declaration for submission to the Federal Communications Commission in support of R.P.'s Comments in MM Docket No. 93-170 concerning a proposal to allot FM Channel 238 to Bemidji, Minnesota.

2. I have reviewed the Notice of Proposed Rule Making ("NPRM") in that proceeding, as well as the Petition for Rule Making on which it is based. As an initial matter, it is clear that the coordinates listed in the NPRM for the proposed allotment are not suitable for use as a transmitter site. I have determined that those coordinates, when plotted on a topographical map, reveal that the site is located within the town limits of Bemidji, in the middle of Greenwood Cemetery, approximately 2.2 miles from, and directly in the path of, an airport runway.

3. Property within the town of Bemidji is subject to relatively strict land use limitations. At present, on the basis of my long-time familiarity with Bemidji's local restrictions, there is virtually no possibility that those limitations would permit construction of a broadcast tower at the site specified in the NPRM. This is especially so in view of the fact that the site is in the middle of a cemetery, where construction of a broadcast tower would be clearly inappropriate.

4. And, perhaps most importantly, the proposed site is located a mere 2.2 miles from the local airport, almost directly in the center of the instrument landing approach to the runway. I am including as an exhibit to this Declaration a map reflecting the relative locations of the runway and the proposed site.

5. In addition, there is another flaw in the proposed channel allotment. Bemidji presently enjoys service from some eight radio stations: four independently-owned FM stations (KBHP(FM); KKBJ-FM; KBSB(FM); and KCRB(FM)) are licensed to Bemidji itself; at least one other FM station (WBJI(FM), Blackduck) puts a city-grade signal into Bemidji; a sixth FM station (KLLZ(FM), Walker) puts at least a primary, if not a city-grade, signal into Bemidji; and two AM stations -- Stations KBUN(AM) and KKBJ(AM) -- are licensed to Bemidji. While Stations KBSB(FM) and KCRB(FM) are both noncommercial educational stations, they nonetheless compete with the other stations in the market for audience and, to at least some limited extent, revenue.

6. But Bemidji, which is itself the county seat of Beltrami County and, thus, the primary commercial, population and cultural center of the area, is a small town. The total 1990 population of Bemidji (11,245), Blackduck (718) and Walker (950) -- the communities of license of the six FM stations and two AM stations in the immediate area -- is less than 13,000. In real-life terms, no need exists for another station seeking to serve the same audience and seeking to survive financially on the

08-16-93 10:32AM FROM OLDIES 98 WBJI FM
06/13/93 11:47 202 833 3084

DECHTEL & COLE

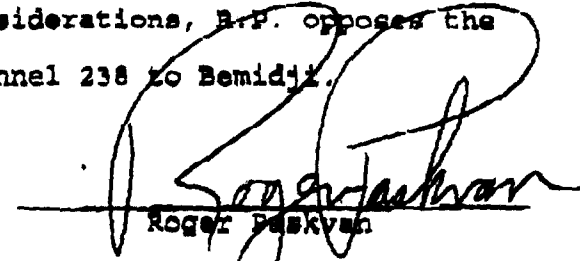
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same limited pool of available advertising revenues.

7. The competitive situation in the Bemidji area is already difficult enough -- the addition of one more commercial station there seeking a share of the general audience and general advertising revenues would almost invariably reduce everyone's share of available revenue and make it even more difficult, if not impossible, for all the competing services to survive.


8. Because of these considerations, B.P. opposes the Commission's proposal to allot Channel 238 to Bemidji.


Roger Paskvan
Date: aug 15, 93

CERTIFICATE OF SERVICE

I, Harry F. Cole, hereby certify that, on this 16th day of August, 1993, I caused to be placed in the U.S. mail, first class postage prepaid, copies of the foregoing "Comments of R.P. Broadcasting, Inc." addressed to the following:

Timothy E. Welch, Esquire
Dean George Hill & Welch
1330 New Hampshire Avenue, N.W., Suite 113
Washington, D.C. 20036


/s/ Harry F. Cole
Harry F. Cole